

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROL NOE,

Plaintiff,

19 Civ. 01455 (JHR) (RFT)

-against-

RAY REALTY, et al.,

ORDER

Defendants.

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ROBYN F. TARNOFSKY, United States Magistrate Judge:

On April 29, 2024, pursuant to the individual rules of the undersigned, Plaintiff made an ex parte submission in anticipation of a settlement conference scheduled for May 1, 2024. In that submission, Plaintiff indicated that she wishes to reply to all Defendants' motions to dismiss in one filing and that she needs an extension of time to make that filing until September 30, 2024 in order to have sufficient time to respond to the motion to dismiss filed on April 19, 2024 (ECF 200) by Defendants Labe Twerski, Sam Becker, 41-25 44th Street Owners Corp. and Daejan (NY) Limited (together, "Twerski Defendants").

This case has been pending since 2019. Plaintiff has requested and received numerous extensions of time based on her statements, supported by notes from her doctor, that her health issues prevented her from meeting deadlines. The original briefing schedule for motions to dismiss the operative complaint gave Plaintiff two months, until March 15, 2024, to respond to the motions to dismiss by Defendants who had been served at that time ("Early Defendants"). (ECF 169.) An order of service for Twerski Defendants, who had not yet been served, was issued at that time. (ECF 170.) Early Defendants filed their motions to dismiss on January 15 and 16, 2024. (ECF 173, 175.) On February 2, 2024, the Court extended Plaintiff's

time to oppose Early Defendants' motions to dismiss until April 1, 2024. (ECF 178.) On February 15, 2024, the Court granted Plaintiffs' request for an extension of time of nearly two additional months, until May 30, 2024, to oppose Early Defendants' motions to dismiss; that Order stated that no further extensions would be granted absent very good cause shown. (ECF 182.) On April 19, 2024, Twerski Defendants filed their motion to dismiss. (ECF 200.) Plaintiff's opposition to Twerski Defendants' motion to dismiss (ECF 200) is due on May 3, 2024, but I am sua sponte extending her time to respond until **June 28, 2024**. If Plaintiff files an opposition to Twerski Defendants' motion to dismiss by June 28, 2024, Twerski Defendants will have until **July 12, 2024** to file a reply in further support of their motion to dismiss.

Plaintiff already was given over four months to oppose Early Defendants' motion to dismiss. Many of the arguments raised in Early Defendants' motions to dismiss were previously raised by Early Defendants in other filings (see, e.g., ECF 99, 100) to which Plaintiff has responded (see, e.g., ECF 107). The filing of a motion to dismiss by Twerski Defendants (which largely raises similar arguments to the arguments made by Early Defendants) does not constitute the required very good cause for a further extension of time to respond to Early Defendants' motion to dismiss. While the Court is sympathetic to the difficulties experienced by Plaintiff, who is litigating pro se and who has health issues, the Court cannot continue repeatedly granting long extensions of time to respond to motions to dismiss. Accordingly, Plaintiff is granted an extension of time until **June 28, 2024** to oppose Early Defendants' motions to dismiss (ECF 173, 175). If Plaintiff files an opposition to Early Defendants' motion to dismiss by June 28, 2024, Early Defendants will have until **July 12, 2024** to file a reply in further support of their motion to dismiss.

Plaintiff is cautioned that given the generous amount of time she has been given to oppose the motions to dismiss, no further extensions will be granted absent extraordinarily good cause shown. If Plaintiff fails to file an opposition to Defendants' motions to dismiss by **June 28, 2024**, I may consider the motions to dismiss unopposed and issue a report and recommendation that the operative complaint be dismissed.

DATED: April 30, 2024
New York, NY

SO ORDERED.


ROBYN F. TARNOFSKY
United States Magistrate Judge